

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: St Paul District
FILE NUMBER: 04-160779-DJP

REGULATORY PROJECT MANAGER: Dale J. Pfeiffle **Date:** December 16, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** December 16, 2004
 At the project site (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: Wisconsin
County: Kenosha
Center coordinates of site by latitude & longitudinal coordinates: 42.5478855897 N, 88.0950773148W
Approximate size of site/property (including uplands & in acres): 96
Name of waterway or watershed: Des Plaines, Illinois, Wisconsin

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): A wetland delineation for a 96-acre parcel was forwarded to the Corps for jurisdictional review and concurrence. The delineation report identified 4 different wetland plant communities at the site. A review of the wetland delineation report, aerial photography, USGS quadrangles, and the local soil survey failed to show any evidence of a surface water connection between a 0.5 acre delineated wetland and a water of the US. The 0.5-acre wetland also lacked a connection to interstate commerce and is not adjacent to a water of the US.

The other three wetlands delineated at the site, totaling 17 acres are adjacent to a tributary to Montgomery Lake, which is tributary to the Des Plaines River, a navigable water of the US and are subject to Corps jurisdiction.

Development plans were not provided with the delineation but the land would likely be subdivided for single-family homes.